

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PAUL CHRISTENSEN,

Plaintiff,

v.

No. 1:15-cv-00134-KG-LF

FINANCIAL CREDIT SERVICE, INC.
d/b/a ARA, INC.
d/b/a ASSET RECOVERY ASSOCIATES,

Defendant.

PLAINTIFF'S PROPOSED VOIR DIRE

Plaintiff, through counsel, hereby submits his proposed voir dire questions.

1. My name is Nicholas Mattison. I am the lawyer for the Plaintiff, Paul Christensen.

Sitting next to me is Susan Warren, who is also Mr. Christensen's lawyer. We are lawyers with a law firm called Feferman & Warren. Our firm handles "consumer law" cases. Our only work is representing people in lawsuits against debt collectors, car dealers, predatory lenders, credit reporting agencies, and other businesses.
 - a. Have you ever had any contact with the Feferman & Warren law firm?
 - b. Did the firm represent you?
 - c. Did the firm turn down your case?
 - d. If applicable: What was the nature of your contact with the firm?
2. If applicable: The lawyer for the Defendant in this case is _____.
 - a. Have you ever had contact with _____?
 - b. Did _____ represent you?
 - c. Did _____ turn down your case?

- d. If applicable: What was the nature of your contact with _____?
- 3. The facts in this case concern the damages that Defendant Financial Credit Services should pay to Plaintiff Paul Christensen as a result of illegal debt collection activities. Do you know any of the parties in this case?
 - a. Sitting at the table is Paul Christensen from Albuquerque, New Mexico. Do any of you know him?
 - b. What about Financial Credit Service, Inc. from Lombard, Illinois?
 - i. They also use the names “ARA” and “Asset Recovery Associates.”
- 4. Do you know any of the witnesses in this case?
 - a. Minnie House from Gallup, New Mexico?
 - b. Suzanne Kindschi from Rio Rancho, New Mexico?
- 5. Have you ever had a job that involved making loans, including a bank, loan company, or car dealer?
 - a. If applicable: What was the nature of your job?
- 6. How many of you know what a debt collector is?
 - a. If applicable: What is your understanding of debt collection businesses?
- 7. Have you ever had a job that involved the collection of debts?
 - a. Have you ever had a job that involved sending accounts to debt collectors?
- 8. Do you have any family members or friends who have jobs involving the collection of debts?
- 9. Have any of you ever been contacted by a debt collector?
 - a. If applicable: Please describe your experience.
 - i. Do you believe the debt collector acted appropriately?

10. Is there anyone who thinks a person collecting a debt should be allowed to do whatever it takes to get paid?

- a. What kinds of conduct do you believe should be off limits when collecting a debt?
- b. Is there anyone here who believes it is acceptable for a debt collector to yell at someone in order to get payment?
- c. Does anyone believe that it is acceptable for a debt collector to make threats in order to get payment?
 - i. Should a debt collector be allowed to threaten to bring a court case, even if they don't intend to?
 - ii. Should a debt collector be able to threaten to send someone to your house if you don't pay?
 - iii. Should a debt collector be able to threaten to take someone's benefits, like Social Security, if they can't really do it?
 - iv. Should a debt collector be able to threaten to repossess someone's car or put a lien on their house, if they really aren't allowed to do it?
 - v. Who thinks it is all right for a debt collector to threaten to file criminal charges against someone in order to get payment?

11. Is there anyone who believes that if a person is contacted by a debt collector to pay a debt, he absolutely needs to pay it?

- a. Why or why not?
- b. What if the person doesn't know who the debt collector is?
 - i. Has anyone here had the experience of being contacted by a debt collector and not knowing who they were?

- ii. What did you do?
- c. Does anyone feel that a person needs to pay a debt collector even if the debt has been discharged in bankruptcy?
 - i. Does anyone know someone who has needed to declare bankruptcy?
- d. What if the debt is 20 years old?
- e. What if the person doesn't even know for sure whether he owes the debt, but a debt collector says that he does?
 - i. Why or why not?
- 12. Does anyone on the panel know a person who has sued someone?
 - a. Does anyone know a person who has been sued?
- 13. Does anyone feel that, under any circumstances, filing a lawsuit against a debt collector is wrong?
 - a. Does anyone believe that the law should be changed to make it harder for consumers to bring cases against debt collectors?
 - b. Does anyone believe that the amount that consumers can collect from debt collectors in lawsuits should be limited?
- 14. At the end of the case, the Court will provide you with instructions regarding the law which must be applied to this case relating to damages. Would any of you have any problem following the Court's instructions, regardless of your personal beliefs?
- 15. If you determine that the debt collector violated the law, would you, for any reason, be unable to award damages as instructed by the Court?
 - a. We will ask this jury, at the end of the case, to award punitive damages. Is there anyone who feels that you could not award punitive damages, either as a

punishment, or to deter Financial Credit Services from doing this again in the future?

- b. Is there anybody who thinks that no matter what evidence you hear, you could not award punitive damages because you are opposed to punitive damages?

16. Do you feel for any reason that you could not sit and hear this case and then render a verdict which would be fair to both the Plaintiff and the Defendant, based on the evidence?

- a. Is there anyone with any health problems, such as hearing or eyesight, or any need to take medication which makes you sleepy, which would interfere with your ability to sit as a juror on this case?
- b. Is there anything you've heard this morning that would prevent you from returning a fair verdict in this case?
- c. Is there anything that hasn't been asked that makes any of you think that you would not be a fair juror to sit on this jury?
- d. Is there anyone who does not wish to sit on this jury, for any reason whatsoever?

Respectfully submitted,

FEFERMAN & WARREN, Attorneys for Plaintiff

/s/ Nicholas H. Mattision

Nicholas H. Mattision

300 Central Ave SW, Suite 2000 East

Albuquerque, New Mexico 87102

(505) 243-7773

(505) 243-6663 (fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a copy of Plaintiff's Proposed Voir Dire, along with a

copy of this Certificate of Service via first class mail, postage prepaid, to Financial Credit Service, Inc. d/b/a ARA, Inc., d/b/a Asset Recovery Associates, c/o Mario Bianchi, 1919 S. Highland Ave St. 225A, Lombard, IL 60148, on April 14, 2016.

/s/ Nicholas H. Mattison
Nicholas H. Mattison